EXHIBIT B

UNIVERSITY OF ROCHESTER
POLICY ON RESEARCH MISCONDUCT

Introduction

The academic system demands that those engaged in research, whether faculty, staff, or student, be dedicated to the highest ethical standards. Misconduct in scholarship and research by any member of the University community threatens the University as well as the individual.

This policy outlines the steps to be taken in response to an allegation of misconduct in scholarship and research. It describes a process for an objective examination of the facts, protection of individual rights, and integration with other relevant review procedures, all under the general supervision of the Provost, or for issues arising solely in the School of Medicine and Dentistry and School of Nursing, the Senior Vice President for Health Sciences (SVPHS), as the Senior Academic Administrators.

The procedures outlined may be adjusted as needed to accommodate special circumstances (e.g. allegations which originate outside of the University). Further, additional procedures beyond those outlined in this policy may be implemented to comply with the procedural, reporting and other requirements of external sponsors, for example, with respect to the timing of reporting possible misconduct, burdens of proof and the creation and maintenance of records and reports of the proceedings. When externally sponsored research is involved, the Office of Counsel and the Director of the Office of Research and Project Administration (ORPA) shall be consulted at each stage of the process regarding compliance with the procedural and reporting requirements of the external sponsor(s) and will assure that notice is given to such sponsor(s) in accordance with their regulations and guidelines.

During the proceedings investigating alleged misconduct in research, the identities of the respondent, the complainant(s) and any witnesses, and access to any records or evidence from which research subjects might be identified, will be limited to those who have a need to know to carry out the proceedings. Reasonable efforts shall be made to ensure an impartial and unbiased investigation to the maximum extent possible; no individual who has an unresolved personal, professional or financial conflict of interest with the person whose conduct is being investigated (the respondent), the person(s) making the allegations (the complainant(s)), or any witnesses should participate in the proceedings.

Definitions

For purposes of this policy, “research” is defined as all basic, applied, and demonstration research in all fields of science, engineering, and mathematics. This includes, but is not limited to, research in economics, education, linguistics, medicine, psychology, social sciences, statistics, and research involving human subjects or animals.

"Research misconduct" is defined as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. Fabrication is defined as making up data or results and recording or reporting them. Falsification is defined as manipulating research materials, equipment or processes, or changing or omitting data or results such that the research is not accurately represented in the research record. Plagiarism is defined as the appropriation of another person’s ideas, processes, results or words without giving appropriate credit. Honest error or difference of opinion is not research misconduct.

Allegations

(1) Allegations of misconduct may be oral or in writing and should be made to the department chair or other appropriate academic administrator (such as the Director of the laboratory or Project Director) and that person shall notify the appropriate Dean.

(2) The Dean will promptly determine whether the allegations merit further scrutiny. This assessment will consider whether the allegation falls within the definition of research misconduct, and is sufficiently credible and specific to identify potential evidence of research misconduct. If so, the Dean will notify the Office of

Counsel prior to commencing the inquiry process. If more than one school is involved, the Deans involved will collaborate in the assessment and inquiry process.

Inquiry

(1) An inquiry is an initial review of the evidence to determine whether an investigation is warranted. The inquiry will consist of preliminary information-gathering and fact-finding, and does not require full review of all evidence related to the allegations. The Dean shall conduct the inquiry, or may designate an individual or an ad hoc committee with appropriate expertise to conduct the inquiry and make a recommendation to the Dean.

(2) Prior to commencing the inquiry, the Dean will determine, in consultation with the Director of ORPA, whether the allegations involve research sponsored by an agency of the federal government or other external sponsor and whether the matter is subject to such external sponsor's jurisdiction. The Office of Counsel will be notified of the determination.

(3) At the time of or before beginning the inquiry, the Dean, individual or ad hoc committee conducting the inquiry will promptly take reasonable and practicable steps to obtain custody, inventory and securely sequester all research records and evidence needed to conduct the proceedings.

(4) The respondent will be notified in writing of the allegations and determination to conduct the inquiry, and given the opportunity to comment on all of the allegations.

(5) The inquiry shall be completed within 60 days, unless the Dean grants an extension on evidence that circumstances warrant a longer period; the reasons for any extension shall be documented in the record.

(6) The Dean will notify the respondent of whether the inquiry found that an investigation is warranted. The notice will include a copy of the written inquiry report. The complainant(s) will also be notified; the Dean may, in their discretion, provide all or part of the inquiry report to the complainant(s).

Investigation

(1) If it is determined that a formal investigation is warranted, it will begin within 30 days after the initial inquiry is concluded.

(2) The Dean will appoint a fact-finding committee of not less than three members of the faculty who are have appropriate expertise and are unaffected by the inquiry, including one member of the Research Policy Committee. The committee will be given the specific allegation(s) against the respondent, access to all evidence and an ability to interview the respondent, the complainant(s) and others with possible knowledge of the facts or relevant scientific expertise, and a target date by which to deliver a report to the Dean. Generally, an investigation should be completed within 120 days after its initiation.

(3) The respondent will be given a written copy of all allegations that are the subject of the investigation and the opportunity to appear before the committee to respond to the allegations. The respondent may utilize the assistance of and be accompanied by a member of the faculty of staff of the University. Legal counsel may not accompany the respondent in any appearance before the committee. The committee may interview the complainant(s), and any other available persons they reasonably believe have information regarding any relevant aspect of the investigation, including witnesses identified by the person under investigation and persons with appropriate scientific expertise, and pursue significant issues and leads that are determined to be relevant, including evidence of additional instances of potential research misconduct. The committee will assure that all aspects of the investigation, including all interviews conducted, are sufficiently documented.

(4) The committee shall give the respondent a copy of its draft investigation report and, concurrently, a copy of or supervised access to the evidence on which the report is based. The respondent's comments, if any, must be submitted within 30 days of receipt of the draft report. The committee may, but is not required to, provide all or portions of the draft report to the complainant(s), who shall have 30 days to submit written

comments. Comments submitted by the respondent or complainant(s) shall be considered in preparing the final report, and included in the report.

(5) Upon conclusion of its investigation, the committee will file its report with the Dean stating whether or not it has found, based on a preponderance of the evidence, that research misconduct was committed and the basis for this finding. The report will include a meaningful and comprehensive summary of the evidence and the rationale behind the committee's findings. A finding of research misconduct requires that there be a significant departure from accepted practices of the relevant research community, and that the misconduct was committed intentionally, knowingly or recklessly, and must be proven by a preponderance of the evidence.

(6) Upon receipt of the final report, the Dean will promptly review the report and forward it to the Provost (or SVPHS as appropriate) for action. The Dean may provide additional comments or recommendations concerning the findings or proposed disciplinary actions if warranted.

Adjudication and Further Action

(1) The Provost (or SVPHS as appropriate) will review the report and recommendations, and make the final findings and, if appropriate, determination concerning corrective action.

(2) If the Provost (or SVPHS) finds that there was misconduct, they will:

a. Direct the Department Chair or Director to notify the editors of publications to which abstracts and papers relevant to the misconduct have been submitted and request that the work be withdrawn prior to publication, or, if the work has already been published, that an appropriate retraction or correction be published. The respondent will generally be responsible for preparing and presenting the appropriate retractions or corrections.

b. Determine disciplinary action, which may include, but is not limited to, termination, revocation of tenure or degrees granted, reprimand, sanction, or loss of privileges, salary or research support services. If termination is determined appropriate, established procedures (e.g., tenure revocation procedures described above for tenured faculty) will be followed. Any disciplinary action that may be taken without invoking such procedures may be imposed by the Provost (or SVPHS as appropriate).

(3) The Dean will notify the respondent, in writing, of the outcome of the investigation. A copy of the committee's report and supporting documents may be provided to the respondent at the discretion of the Dean. The complainant(s) may also be given notice and some or all of the report, at the discretion of the Dean.

(4) If an external sponsor was notified that an investigation was pending, the Director of ORPA will inform the sponsor of the results in adherence with the sponsor's requirements, describing the policies and procedures under which the investigation was conducted and include a summary of the views of the individuals, if any, found to have engaged in misconduct. The Director of ORPA, in consultation with the Office of Counsel, will oversee the University's cooperation with any related investigation or review by an external sponsor.

(5) If the process described in this policy produces no finding of research misconduct, the Dean will assure that reasonable and practical efforts, if requested and as appropriate, are taken to protect or restore the reputation of the respondent.

(6) The Dean will also assure that reasonable and practical efforts are taken to protect or restore the positions and reputations of the complainant(s), witnesses and committee members and to protect them from retaliation; however, if the inquiry or investigation reveals that any individual(s) acted in bad faith appropriate disciplinary investigation and action may be instituted against them.

(7) The records of all relevant documentation on cases treated under the provisions of this policy shall be preserved in the office of the Provost (or SVPHS as appropriate).